

**Laws, regulations, rules and other provisions associated with the
Temporary Measures Concerning Trademark Agency by Service Providers
from Hong Kong and Macao SAR in Mainland**

The relevant laws, regulations, rules and other provisions concerning registration of companies with foreign capital as well as trademark agency referred to in Article 4 of the Temporary Measures Concerning Trademark Agency by Service Providers from H.K. and Macao SAR in Mainland (“Temporary Measures”) framed by the SAIC are as follows:

- I. According to the “Temporary Measures”, the service providers from Hong Kong and Macao are permitted to set up limited liability corporations in the Mainland to undertake trade mark agency in the form of joint ventures, cooperative enterprises and Hong Kong invested or Macao invested enterprises.
- II. The major laws, regulations, rules and other provisions concerning registration of companies with foreign capital referred to in Article 4 of the Temporary Measures include:-

1. Company Law of the People’s Republic of China (2005 Revision)

(Adopted at the Fifth Session of the Standing Committee of the Eighth National People's Congress on December 29, 1993. Revised at the Eighteenth Session of the Standing Committee of the Tenth National People's Congress on October 27, 2005; became effective on January 1, 2006)

2. Regulations of the People's Republic of China on Administration of Registration of Companies (2005 Revision)

(Promulgated on June 24, 1994. Modified in line with the State Council’s Decision of Amending the Regulations of the People's Republic of China on Administration of Registration of Companies of December 18, 2005.)

3. Law of the People's Republic of China on Chinese-Foreign Equity Joint Ventures (2001 Revision)

(Adopted at the 4th session of the Standing Committee of the Ninth National People's

Congress on March 15, 2001)

4. Regulations for the Implementation of the Law of the People's Republic of China on Joint Ventures Using Chinese and Foreign Investment (2001 Revision)

(Promulgated by the State Council on July 22, 2001)

5. Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures (2000 Revision)

(Adopted at the 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000)

6. Rules for the Implementation of the Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures

(Approved by the State Council on August 7, 1995; promulgated by Decree No. 6 of the Ministry of Foreign Trade and Economic Cooperation on September 4, 1995)

7. Law of the People's Republic of China on Foreign-Capital Enterprise (2000 Revision)

(Adopted at the 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000)

8. Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded Enterprises (2001 Revision)

(Promulgated by the State Council on April 12, 2001)

The above-mentioned major laws, regulations, rules and other provisions concerning registration of companies with foreign capital are available at the website of The National People's Congress of the People's Republic of China (URL: <http://www.npc.gov.cn>) > 中国法律法规 > 《中国法律法规信息系统》

(N.B. As at September 4, 2006, 《中国法律法规信息系统》 contains 1,995 official English translation of Chinese laws / regulations / rules. It is noted that Items 1 and 2 mentioned above have not been included in the database.)

Further details on other provisions concerning registration of companies with foreign capital are available at <http://wzj.saic.gov.cn>.

III. The major laws, regulations, rules and other provisions concerning trademark agency referred to in Article 4 of the Temporary Measures include:-

1. Trademark Law of the People's Republic of China (2001 Revision)

(Adopted at the 24th session of the Standing Committee of the Ninth National People's Congress on 27 October, 2001)

2. Regulation for the Implementation of the Trademark Law of the People's Republic of China

(Promulgated by the State Council on August 3, 2002; becomes effective on September 15, 2002)

3. Measures for the Administration of trade mark agencies (*courtesy English translation of the title of the document*)

(Promulgated by the SAIC on December 2, 1999; becomes effective on January 1, 2004)

4. Circular concerning the filing of record of newly established trade mark agencies by the Administration for Industry and Commerce at provincial level (*courtesy English translation of the title of the document*)

(Promulgated by the SAIC on February 13, 2004; becomes effective on 1 January 2001)

The above-mentioned major laws, regulations, rules and other provisions concerning trademark agency are available at the website of the National People's Congress of the People's Republic of China (URL: <http://www.npc.gov.cn>) > 中国法律法规 > 《中国法律法规信息系统》

(N.B. As at September 4, 2006, 《中国法律法规信息系统》 contains 1,995 official English translation of Chinese laws / regulations / rules. It is noted that Items 3 and 4 mentioned above are not included in the database.)

Further details on other provisions concerning trademark agency is available at the following websites:-

1. The official website of the State Administration for Industry and Commerce of the People's Republic of China at <http://www.saic.gov.cn>.
2. The official website of the Trademark Office of the State Administration for Industry and Commerce of the People's Republic of China at <http://www.ctmo.gov.cn> or <http://sbj.saic.gov.cn>.

(The information regarding the laws, regulations, rules and other provisions associated with the Temporary Measures was provided to the Intellectual Property Department, Hong Kong SAR by the State Administration for Industry and Commerce of the People's Republic of China on December 8, 2004, and was updated on August 29, 2006)